

FILE COPY

STATE OF WISCONSIN BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

RIVER BEND SERV-U PHARMACY, and,
DANIEL E. SASS, R.Ph.,
RESPONDENT.

FINAL DECISION AND ORDER
91 PHM 038

The parties to this action for the purposes of Wis. Stats. sec. 227.53
are:

River Bend Serv-U Pharmacy
7500 Oklahoma
Milwaukee, WI 53219

Daniel E. Sass, R.Ph.
2121 Rambling Rose Road
Waukesha, WI 53186

Pharmacy Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the
attached Stipulation as the final decision of this matter, subject to the
approval of the Board. The Board has reviewed this Stipulation and considers
it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation
and makes the following:

FINDINGS OF FACT

1. Daniel E. Sass (D.O.B. 1/26/56) is duly licensed in the state of Wisconsin as a pharmacist (license #9892). This license was first granted on December 3, 1980.
2. Mr. Sass' latest address on file with the Department of Regulation and Licensing is 2121 Rambling Rose Road, Waukesha, WI 53186..
3. River Bend Serv-U Pharmacy is duly licensed in the state of Wisconsin as a pharmacy (license # 6666). This license was first granted July 3, 1985. At all times relevant to this action, Daniel E. Sass was the managing pharmacist of River Bend Serv-U Pharmacy.
4. As of June 7, 1991, the latest biennial inventory of controlled substances available for inspection at the pharmacy was dated June, 1985.
5. As of June 7, 1991, DEA form 222 s at the pharmacy were incomplete

and did not indicate the amount of a particular drug actually received by the pharmacy.

6. As of June 7, 1991, Schedule II controlled substance prescription orders were not maintained in chronological order by the pharmacy.

CONCLUSIONS OF LAW

By the conduct described above, Respondents is subject to disciplinary action against their license to practice pharmacy in the state of Wisconsin, pursuant to Wis. Stats. sec. 161.38(1) and 450.10(1)(a)2 and 6, and Wis. Adm. Code sec. Phar 8.02(1) and (2), and 8.03.

The Wisconsin Pharmacy Examining Board has jurisdiction to act in this matter pursuant to Wis. Stats. sec. 450.10(1).

The Board is authorized to enter into the attached stipulation pursuant to Wis. Stats. sec. 227.44(5).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that :

1. The attached stipulation is accepted
2. River Bend Serv-U Pharmacy and Daniel E. Sass, R.Ph. are each REPRIMANDED for their unprofessional conduct in this matter.
3. Daniel E. Sass shall, within six months next following the date of this Order, successfully complete and pass both the Federal Drug Law Examination and the Wisconsin Pharmacy Jurisprudence Examination. The state examination may, at Respondent's option, be taken through the PLATO professional development center. All examination results shall be reported directly to the Board. If the Respondent fails to pass both exams within the time period set forth, his license shall, without further action of the Board, be LIMITED in that the Respondent shall not act as the managing pharmacist of any pharmacy until Respondent has passed both the Federal Drug Law Examination and the Wisconsin Pharmacy Jurisprudence Examination. Upon proof of passing both examinations the staff of the Department shall notify Respondent, and the limitation shall be removed without further formal action by the Board.
4. Respondents shall each pay a civil forfeiture in the sum of \$500.00 to the Department of Regulation and Licensing within 20 days of the date of this Order.
5. Respondents shall pay the costs of investigation and prosecution of this matter in the sum of \$250.00 to the Department of Regulation and Licensing within 60 days of the date of this Order.

The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information".

This Order shall become effective upon the date of its signing.

WISCONSIN PHARMACY EXAMINING BOARD

By: Charles H. Deibel, R.Ph.
a member of the Board

1-12-93
Date

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

| | | |
|----------------------------------|---|-------------|
| IN THE MATTER OF | : | |
| DISCIPLINARY PROCEEDINGS AGAINST | : | STIPULATION |
| RIVER BEND SERV-U PHARMACY, and, | : | 91 PHM 038 |
| DANIEL E. SASS, R.Ph., | : | |
| RESPONDENT | : | |

It is hereby stipulated between River Bend Serv-U Pharmacy by its duly authorized representative, Daniel E. Sass, R.Ph., personally on his own behalf and James W. Harris, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into as a result of a pending investigation of Respondents's licensure by the Division of Enforcement. Respondents consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Respondents understands that by the signing of this Stipulation they voluntarily and knowingly waives their rights, including: the right to a hearing on the allegations against them, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against them; the right to call witnesses on their behalf and to compel their attendance by subpoena; the right to testify themselves; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to them under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Respondents is aware of their right to seek legal representation and has been provided the opportunity to seek legal advice prior to signing this stipulation.

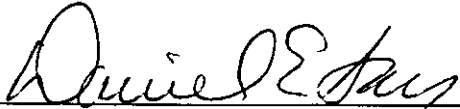
4. Respondents agrees to the adoption of the attached Final Decision and Order by the Pharmacy Examining Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

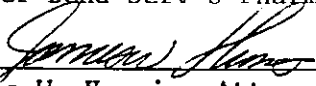
6. The parties to this stipulation agree that the attorney for the Division of Enforcement may appear before the Pharmacy Examining Board for the purpose of speaking in support of this agreement and answering questions that members of the Board may have concerning their deliberation.

7. The Division of Enforcement joins Respondents in recommending the Pharmacy Examining Board adopt this stipulation and issue the attached Final Decision and Order.

River Bend Serv-U Pharmacy, By:




Daniel E. Sass, R.Ph., individually and
as the authorized representative of
River Bend Serv-U Pharmacy



James W. Harris, Attorney
Division of Enforcement
(608) 266 9840

Date


1/12/93

Date

1/15/93

Date

jwh

NOTICE OF APPEAL INFORMATION

**(Notice of Rights for Rehearing or Judicial Review,
the times allowed for each, and the identification
of the party to be named as respondent)**

The following notice is served on you as part of the final decision:

1. Rehearing.

Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with the State of Wisconsin Pharmacy Examining Board.

A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.

2. Judicial Review.

Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon the State of Wisconsin Pharmacy Examining Board

within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: the State of Wisconsin Pharmacy Examining Board.

The date of mailing of this decision is January 20, 1993.